



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**JOHN BEN SHEPPERD
ATTORNEY GENERAL**

June 9, 1953

Hon. Allan Shivers
Governor of Texas
Austin, Texas

Letter Opinion No. MS-56

Re: Constitutionality of House
Bill 671.

Dear Governor:

You have requested an opinion on the constitutionality of House Bill 671 of the 53rd Legislature prescribing the salaries to be paid certain district, county and precinct officers in all counties having a population of 500,000 or more inhabitants according to the last preceding Federal census.

Section 56 of Article III of the Constitution of Texas prohibits the Legislature from enacting any local or special law regulating the affairs of counties. However, the Legislature may classify counties upon the basis of population for the purpose of fixing compensation of district, county and precinct officers, and the courts of Texas recognize that differences in the population of counties may be made a basis of legislation fixing compensation of officers on the theory that the work devolving upon an officer was in some degree proportionate to the population of the county. Clark v. Finley, 93 Tex. 171, 54 S.W. 343 (1899); Bexar County v. Tynan, 128 Tex. 223, 97 S.W.2d 467 (1936).

The provisions of House Bill 671 provide for a greater compensation in counties having a larger population. The classification contained in House Bill 671 is reasonable and not arbitrary, and is based on a real distinction. It is therefore our opinion that House Bill 671 is constitutional.

Yours very truly,

JOHN BEN SHEPPERD
Attorney General

By
John Reeves
Assistant

JR:am:wb